REMARKS

The Office Action, mailed February 8, 2006 ("Office Action"), is acknowledged. Applicant respectfully requests entry of the above-amendments and consideration of the following remarks.

Applicant hereby cancels claims 5 and 7 without prejudice or disclaimer to the subject matter therein.

Claims 1, 6, and 12 have been amended, upon entry of the above amendments. Basis for the amendments can be found at least at paragraph [005] of the specification.

The Office Action states that claims 5 and 7 are rejected, under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Upon entry of the above amendments, claims 5 and 7 have been canceled. Accordingly, Applicant respectfully submits that this rejection is moot.

The Office Action states that claims 1-3 and 5-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Axelrod et al. taken with or without Wang. Applicant respectfully traverses these rejections.

Neither Axelrod et al., nor Wang, disclose or teach the particle size recited in the claims of the present invention. The claims of the present invention recite an animal product with "a particle size of between about 300 and about 1,200 microns". None of the references cited by the Office Action or any previous official communications disclose this element. Axelrod et al. does not disclose the animal product recited by the claims of the present invention. Axelrod et al. discloses the term, "animal meal". This term is not defined. There is no further context provided for this

term. No composition of animal meal is provided—much less the particle size of the "animal meal". Wang does not correct this deficiency. Wang discloses a "chicken powder" and a "turkey powder". Applicant does not concede that "chicken powder" or "turkey powder" are combinable or synonymous with the "animal meal" of Axelrod et al. But, assuming for the sake of argument that these terms are combinable, Wang still does not disclose or teach the particle size of between about 300 and about 1,200 microns. To the contrary, "powder" is known in the art to be a term utilized to refer to a particle size that is substantially smaller than 300 microns. One of ordinary skill in the art would be aware that "powder" refers to particle sizes of at least less than 300 microns (e.g., less than 75 microns). If the Office Action is suggesting that Wang's disclosure of "powder" somehow reaches the particle size recited by the present invention, Applicant respectfully requests citation to a definition demonstrating that "powder" is well known and utilized by those of skill in the art to encompass particle sizes of between about 300 and about 1,200 microns. Further, Applicant respectfully submits that Wang's disclosure of a "powder" actually teaches away from using particle sizes recited by the present invention. Applicant respectfully requests a rationale as to how disclosure of such a substantially smaller particle size would not teach away from reaching the particle sizes recited by the claims of the present invention.

Neither Axelrod et al. nor Wang disclose or teach the "meat" as recited by the claims of the present invention. "Meat", as recited in the claims of the present invention, comprises "breast meat, thigh meat, offal items, organ meats, or a combination thereof". As previously discussed, Axelrod et al. barely even discloses any sort of animal product and only twice utilizes the term "animal meal". This term, "animal meal", is not defined or contextualized by Axelrod. In the absence of such a disclosure or teaching, Applicant respectfully requests a rationale as to how Axelrod allegedly

reaches the "meat" and animal flesh definition recited by the present invention. Quite the contrary, "meal" has a unique and different and non-overlapping definition and usage from that of "meat". The usage of "meal" and "meat" are distinct from one another and are not interchangeable. By disclosing "meal", Axelrod et al. does not reach the element of "meat" as recited by the claims of the present invention.

Wang does not correct the deficiency of Axelrod et al. in failing to reach the element of "meat" as recited by the claims of the present invention. Wang discloses "animal protein". However, "animal protein" is defined and taught to utilize various types of cartilage. Cartilage is distinct, different, and non-interchangeable with meat and animal flesh. Cartilage would not be understood or confused by one of skill in the art to mean breast meat, thigh meat, offal items, or organ meats. Further, cartilage and meat have substantially different physical characteristics. They are not interchangeable in the present invention. Cartilage is disclosed in the specification of the present invention as an optional additive and further therapeutic. But, it is distinguished and separately defined from the primary meat animal product as disclosed and recited. Wang does not teach or disclose an "animal protein" that is defined, discussed, disclosed or taught to include animal flesh, meat, etc.—only a cartilage derivative. As such, Wang does not reach the element of "meat" of the present invention—even if combined with Axelrod et al.

For at least the foregoing reasons, Applicant respectfully submits that claims 1-3 and 5-20 distinguish over any and all disclosure and teaching of Axelrod et al. and/or Wang. As such, Applicant respectfully requests that the rejections, under 35 U.S.C. § 103(a), of claims 1-3 and 5-20 be removed from the present application and that the application be found in condition for allowance.

The Office Action states that claim 4 is rejected, under 35 U.S.C. § 103(a), as allegedly being unpatentable over Axelrod et al. taken with or without Wang, further in view of Gluck. Gluck does not correct the deficiencies of Axelrod et al. and Wang—discussed above—in reaching the elements recited by the claims of the present invention. As such, Applicant respectfully requests that the rejection of claim 4 be removed from the present application and that the application be found in a condition for allowance.

Applicants' request for extension of time under 37 CFR 1.136(a) as well as Applicants' petition fee are enclosed herewith and filed simultaneously with this response.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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David Milligan

David H. Milligan
Reg. No. 42,893
Blackwell Sanders Peper Martin LLP
1620 Dodge Street, Suite 2100
Omaha, NE 68102
402-964-5078
ATTORNEYS FOR APPLICANT